

EXHIBIT A

PETOSA DECLARATION

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*Attorneys for Defendants Frank Petosa,
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MELISSA HUTCHISON aka PHOENIX
MARIE, an individual,

Plaintiff,

vs.

ETHICAL CAPITAL PARTNERS, a foreign
entity; AYLO PREMIUM LTD, a foreign
corporation; DM PRODUCTIONS, a foreign
entity; DIGITAL PLAYGROUND, a foreign
entity; MIND GEEK USA
INCORPORATED, a foreign entity; MG
PREMIUM LTD, a foreign entity; DM
PRODUCTIONS, a foreign entity; DIGITAL
PLAYGROUND, a foreign entity; DANNY
MARTIN aka DANNY D, an individual;
FRANK PETOSA an individual; RYAN
HOGAN, an individual; MICHAEL
WOODSIDE, an individual; and DOES 1
through 50,

Defendants.

CASE NO. 2:24-cv-00673-GMN-BNW

**DECLARATION OF FRANK PETOSA
IN SUPPORT OF MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

I, Frank Petosa, hereby declare as follows:

1. I am named as a Defendant in the above-captioned action. Unless otherwise stated, I make this declaration of the following facts from my direct, personal knowledge, and would competently testify thereto if called as a witness.

2. I have reviewed the First Amended Complaint ("FAC") in the instant action, and I am familiar with the allegations made therein.

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1 3. I am not, and never have been, an officer, executive, or employee of any of the other
2 Defendants named in this action. I have never had any involvement in the day-to-day activities or
3 any decision making for any of the other Defendants named in this action. I am not, and never have
4 been, authorized to act on behalf of any of the other Defendants named in this action.

5 4. I am a resident of Quebec City, Canada. I have never resided in Nevada or anywhere
6 else in the United States. I have never had a Nevada mailing address or phone number. I have never
7 owned or leased any real estate or any other property in Nevada. I have never had any bank accounts
8 in Nevada. I have never been required to pay any income or business taxes in the state of Nevada.
9 I have never operated any businesses located in Nevada. I have never filed a lawsuit in Nevada.

10 5. Since 2019, I have visited Nevada only two or three times to attend the annual AVN
11 Adult Entertainment Expo. None of these visits had anything to do with claims asserted in the FAC.
12 I have not had any discussions with anyone in Nevada regarding the claims asserted in the FAC.

13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct.

15 Executed this 1st day of July 2024.

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17 /s/ Frank Petosa

18 Frank Petosa
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